



CITIZENS CRIME COMMISSION OF NEW YORK CITY

SOCIAL MEDIA & REAL-WORLD CONSEQUENCES

VOLUME II

RESPONDING TO SOCIAL MEDIA NORMS

DEVELOPING A COMPREHENSIVE STRATEGY TO PROMOTE DIGITAL CITIZENSHIP

BY ASHLEY CANNON, ROBERTA LIGGETT, & STEPHANIE UEBERALL

VICE NEWS

The Kids Arrested in the Largest Gang Bust in NYC History Got Caught Because of Facebook



!*%@?

YAHOO!
NEWS

WTF? High School Senior Expelled for Swearing on Twitter

Aol Jobs.

Workers Post Vine, Instagram Videos That Could Get Them Fired



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EXECUTIVE SUMMARY

Social media has become a part of everyday life. All types of real-world behavior are now showcased online—including criminal behavior, bullying, threats and the glorification of violence.

Increasingly, youth associated with antisocial peer groups—such as neighborhood-based “crews” engaging in violent rivalries—use social media as a tool to create criminal opportunities and amplify conflicts. Unfortunately, in many cases, this type of social media usage can lead to real-life violence or other serious ramifications, such as arrest.

The Crime Commission is engaged in several initiatives that seek to provide social media users with tools and information to help them stay safe both on- and off-line, including the development of an innovative new program that trains anti-violence professionals as “E-Responders” to intervene and deescalate violence provoked on social media. As part of this work, this series, “Social Media & Real-World Consequences”, provides readers with an overview of the ways youth are communicating on social media, the associated risks of these communications turning into real-world violence, and the range of legal, educational and professional consequences youth may face in the real-world.

High-risk youth engage in numerous types of dangerous communication on social media, including threatening and taunting others (often those from rival crews), promoting their self-image and crew, mobilizing others for disorderly or criminal activity, and recruiting other youth to join their crew. These types of communication are highly visible and exist beyond private messages and chats. Status updates, comments, photos, and videos often contain content prohibited by platform providers; however, they remain on the sites, fueling conflict. Moreover, youth often use social media to acquire weapons for attacks and protection.

These dangerous communications have an extremely high risk of going from virtual to violent, and often result in very serious consequences in the real-world. When these consequences include violence, such as fights and shootings, they are often immediately documented and discussed online, increasing the likelihood of retaliation and further perpetuating the cycle of street violence.

Taunts, threats, and intimidation on social media often lead to in-person fights, which can have deadly consequences. Youth often post continuous information about their ongoing conflicts, including violent intentions prior to carrying out shootings. This was the case in the Bryant Park skating rink shooting in November 2013, as well as in a shooting that occurred at a house party in Brownsville in January 2014, in which a 16-year-old was killed. The Bedford-Stuyvesant bus shooting in March 2014, which led to the death of a straphanger, was instigated by months of taunting on social media between two rival crews.

Beyond violence and victimization, these harmful behaviors can lead to a wide range of legal, educational and professional consequences in the real-world. For example, police use social media to help identify, track, and build cases against individuals, culminating in indictments, such as the June 2014 takedown of 103 youth in West Harlem. Schools, financial aid providers, and employers also use social media profiles as a form of background check when considering an individual for admission, scholarship, or employment, and to inform disciplinary actions—something many people are not aware of when they post recklessly on social media.



Guns Don't Kill People, We Kill People

facebook status update - November 13, 2011

Given the seriousness of the risks and consequences associated with these types of communication, it is critically important to gain an understanding of what creates and amplifies violence, along with what legal, educational, and professional repercussions can occur. From this understanding, stakeholders must work together to develop a comprehensive strategy to promote digital citizenship that seeks to:

RAISE AWARENESS

- Through both online and in-person public awareness initiatives, school curriculum, and employee trainings, social media users must be educated on how to protect themselves and others from violence and other crimes, and of the potential consequences for posting certain types of content.

EMPOWER BYSTANDERS

- Provide tools that foster bystanders' responsibility to respond including:
 - Educate users on the types of harmful communication and the different risk/emergency levels;
 - Encourage users to monitor social media for the identified types of communication to ensure the content gets noticed and responded to appropriately;
 - Promote strategies that support bystanders in feeling competent in their ability to respond and help victims; and
 - Provide users with concrete examples of actions that can be taken for each level of emergency and guidelines that keep bystanders and others safe from harm.

EMPOWER RESPONSIBLE ADULTS

- Provide adults with the tools necessary to identify, assess, and respond to potentially dangerous content, as well as educational resources explaining how to talk to youth about safe social media habits.

ENHANCE ENFORCEMENT OF SOCIAL MEDIA PLATFORM POLICIES

- Advocate for social media platforms to enforce terms of use policies and to deter prohibited behavior by:
 - Hiring culturally competent reviewers who are capable of understanding the risks associated with posted content;
 - Developing strategies to proactively monitor content; and
 - Educating users about why certain content is prohibited.

EXPAND LAW ENFORCEMENT PREVENTION & INTERVENTION STRATEGIES

- Solicit tips from the community about social media intelligence and utilize collected tips to inform responses.
- Utilize information collected via social media to inform resource deployment decisions and partnership-building with stakeholders.
- Create a visible online police presence by implementing an "E-Patrolling" strategy.

By incorporating the above efforts into a comprehensive strategy to promote digital citizenship, we can begin to reverse the troubling trend of social media interactions going from virtual to violent, and prevent devastating consequences in the real-world.

VOLUME II

RESPONDING TO SOCIAL MEDIA NORMS

DEVELOPING A COMPREHENSIVE STRATEGY TO PROMOTE DIGITAL CITIZENSHIP

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Approximately 92% of youth have witnessed harassment online (e.g., offensive name calling, physical threats, purposeful embarrassment, sustained harassment, sexual harassment, stalking).¹ This should come as no surprise to anyone who reads the frequent news reports detailing cyberbullying, crew violence, criminal activity, and self-harm fueled by social media. The pervasiveness of harmful behaviors online call into question how stakeholders (e.g., law enforcement, school officials, employers, social media platform providers, community-based organizations, and community members) can better promote digital citizenship (i.e., appropriate, responsible social media use) and help youth avoid the real-world consequences of harmful social media use.

REAL-WORLD CONSEQUENCES

What individual users deem as acceptable and unacceptable on social media is dictated by the social norms of those in their network. These implicit norms are learned through observation and interpretation, leading users to share content they have seen their “friends” share.² Further, norms can facilitate the spread of anti-social behaviors and cause users to be unaware that they are engaging in harmful behavior. This ultimately puts users in danger of *victimization* and a range of *legal*, *educational*, and *professional* consequences in the real-world:

VICTIMIZATION

Youth frequently post offensive taunts, threats, embarrassing comments, photos or videos, and other harassing content on social media. These communications can escalate into real-world violence. For example, a Facebook argument that lasted for three days ended when a 28-year-old Kentucky woman drove to her half-sister’s home and shot her in the forehead.³ In another case, a 14-year-old girl in Chicago shot and killed her 14-year-old friend following a Facebook feud over a boy.⁴

Youth also frequently post photos of themselves with drugs, alcohol, cash, and firearms. This can put youth at risk for robbery, burglary and violence. These behaviors can even lead to unintentional violence: for example, while posing with a gun for a photo to post on social media, a 13-year-old was shot and killed by his 15-year-old friend.⁵

Poor posting habits such as posting your vacation plans or current location (by geotagging, checking-in, etc.) can put youth at risk for robbery, burglary⁶, stalking⁷, or violence because these posts alert perpetrators to where youth are and where they are not.

I am out here on my 2 feet wya [****]
[@rival crew member]

twitter post – 5:08 PM – 4 September 2012

[@rival crew member] lmao im on 069
Stop the [****] Flexin

twitter post – 5:18 PM – 4 September 2012

LEGAL

Law enforcement agencies are using social media for collecting evidence and intelligence, identifying criminal networks, locating witnesses, and monitoring for events that may require police response, among other activities.⁸ In fact, 86.1% of surveyed law enforcement agencies report using social media for criminal investigations and 66.1% report using it as an intelligence gathering tool.⁹ Evidence obtained from social media has helped law enforcement to arrest and indict hundreds of youth in New York City. For example, in April 2013, the Manhattan District Attorney's Office indicted 63 members of three rival crews in East Harlem on charges including conspiracy, attempted murder, assault, attempted gang assault, and criminal possession of a weapon, among others.¹⁰ The indictments document social media posts and offline activity of crew members linking them to three murders and more than 30 shootings over a four year period.¹¹ Of the 63 indicted in the case, 62 defendants pleaded guilty—some received lengthy prison sentences (e.g., 16-years, 20-years)—and one case was sealed.¹²



Idk if I could get indicted for this but...

facebook post – June 5, 2014

In addition to using social media to gather evidence and intelligence, courts have imposed restrictions on individuals' use of social media as part of probation or parole conditions. For example, a New Jersey woman convicted of interference with custody received a five-year probation sentence that included the condition that she refrain from posting comments about her ex-husband and children.¹³ Further, under New York's Electronic Security and Targeting of Online Predators Act (e-STOP), as part of probation and parole conditions sex offenders are required to register all of their Internet accounts and identifiers (e-mail addresses and screen names) with the state to enable the state to provide this information to social media sites for removal; furthermore, certain sex offenders are explicitly banned from using social media and engaging in other communications online.¹⁴

The legality of law enforcement's use of social media in investigations is just beginning to be weighed by the judicial system. Many constitutional questions remain unresolved including whether content posted to social media sites is protected as "private" under the Fourth Amendment and whether it is constitutionally permissible for law enforcement agencies to use fictitious identities to create social media accounts to obtain content (e.g., photos, videos) posted by users.¹⁵ In addition, there are questions regarding whether social media communications are protected under the First Amendment, such as in the case of using music videos as evidence.¹⁶

In 2012, the U.S. District Court for the Southern District of New York ruled that the government did not violate the Fourth Amendment when it obtained content from a defendant's Facebook page which the defendant had designated as "private" because the government had obtained the content with the assistance of a cooperating witness who was "friends" on Facebook with the defendant. In its decision, the District Court noted that the defendant's "legitimate expectation of privacy ended when he disseminated posts to his 'friends' because those 'friends' were free to use the information however they wanted—including sharing it with the Government."¹⁷

In September of 2014, the New York State Supreme Court Appellate Division First Department permitted Facebook to proceed with an appeal of a decision to compel Facebook to comply with the Manhattan District Attorneys' search warrants—warrants that demanded the secret release of data on 381 users related to a disability benefit fraud investigation. Facebook's appeal argues that the warrants violate users' Fourth Amendment rights and Facebook's First Amendment rights.¹⁸

The U.S. Supreme Court began hearing arguments in December of 2014 regarding the case of a Pennsylvania man who posted threats on Facebook, some of which were lyrics of songs. In these posts, Elonis threatened to injure numerous people, including patrons and employees of an amusement park where his employment was terminated, his estranged wife, police officers, an FBI agent, and a class of kindergartners. He was convicted of federal charges including making unlawful threats against schoolchildren and transmitting in interstate commerce threats to injure another person. On June 1, 2015, the Supreme Court reversed and remanded the lower court's ruling, holding that "the Third Circuit's instruction, requiring only negligence with respect to the communication of a threat is not sufficient to support a conviction under Section 875(c)" of title 18 of the U.S. Code.¹⁹ The Supreme Court found that Elonis's conviction "was premised solely on how his posts would be understood by a reasonable person", and the jury was instructed that the Government needed to prove this standard in error.²⁰ In its opinion the Supreme Court decided that "Section 875(c)'s mental state requirement is satisfied if the defendant transmits a communication for the purpose of issuing a threat or with knowledge that the communications will be viewed as a threat."²¹

EDUCATIONAL

Social media communications can result in significant consequences at school and can impact students' behaviors in school. Researchers have found that youth who report being harassed online more frequently also report receiving detentions and suspensions, ditching or skipping school, and carrying a weapon to school.²² Many of these youths are not only victims, but also perpetrators of online harassment.²³

Schools are increasingly faced with making disciplinary decisions based on students' social media activities that occur both on- and off-campus. Some school districts have even hired companies, such as Social Sentinel and Geo Listening, to monitor the social media activity of students.²⁴ Generally, school policies provide for jurisdiction over social media communications that take place before, during, and after school while on school property, while traveling on school vehicles, at all school-sponsored events, and "on other-than-school property when such behavior can be demonstrated to negatively affect the educational process or to endanger the health, safety, morals, or welfare of the school community."²⁵ Jurisdiction also applies anytime or place when using a school-provided device.²⁶

As a result of these policies, students can be suspended or expelled for a wide range of content posted on social media. For example, a Madison Middle School (KS) student was expelled after she posted on Facebook during school hours that she wanted to "smack a teacher" (the post did not specify an individual teacher).²⁷ Twenty-four students were suspended from Cowan Road Middle School (GA) for posting on Facebook that they were going to break the school's dress code.²⁸ Two students were suspended and another expelled from Chapel Hill Middle School (GA) for posting on Facebook that a specific teacher was a pedophile, a rapist, and had bipolar disorder, among other comments.²⁹

The issue of school disciplinary action for online, off-campus student speech has raised numerous questions related to First Amendment and due process protections. For example, a Nevada high school student was temporarily expelled for sending messages to friends over MySpace while off-campus, which included comments about carrying out a school shooting. In 2013, a three-judge panel for the U.S. Court of Appeals for the Ninth Circuit upheld the decision to expel the student, concluding that the school district did not violate the student's rights to freedom of expression or due process, because the messages "both interfered with the rights of other students and made it reasonable for school officials to forecast a substantial disruption of school activities."³⁰ In another case, a West Virginia student was suspended for creating—from a home computer after school hours—a MySpace group discussion page suggesting another student had a sexually transmitted disease. In 2011, the U.S. Court of Appeals for the Fourth Circuit upheld the suspension, finding that the school's interest in maintaining order and protecting the well-being and educational rights of its students outweighs student rights to free speech off-campus.³¹

In addition to disciplinary decisions, schools and scholarship providers are using social media to inform admissions and financial aid decisions. Over 30% of college admissions officers³² and 18% of scholarship providers³³ report visiting an applicant's social media page. Of those who review social media pages, 30% of college admissions officers reported finding content that negatively impacted the applicant's chances of admission,³⁴ and 6% of scholarship providers reported denying a scholarship because of information found on social media.³⁵ Some schools have even requested the usernames and passwords of applicants and students. Many states have enacted legislation prohibiting schools from requesting this information (legislation is currently pending in NY).³⁶ To protect the privacy of users and users' friends, Facebook has made sharing or soliciting a password a violation of its Statement of Rights and Responsibilities.³⁷ However, schools and scholarship providers have found alternative means to gain access to students' social media pages by requiring users to "friend" them.³⁸



**WE BREAKING DRESS CODE *RIPPED/DESTROYED JEANS
*LEGGINGS/TIGHTS *TANKS AND CROP TOPS *SLIDES,
UNTUCKED SHIRTS *HATS, GLASSES
EVERYTHING THEY SAY WE CAN'T WEAR, WEAR THE LAST
DAY OF SCHOOL THIS IS THE DAY IT GETS REAL**

facebook status update – May 29, 2014

PROFESSIONAL

Inappropriate social media posts can also result in consequences for youth when they enter the workforce. Many employers use social media to screen job applicants.³⁹ Of employers who screen job candidates on social media, 51% report finding content that caused them not to hire the candidate.⁴⁰ The types of social media content employers cited as reasons for not hiring job applicants included: provocative or inappropriate photographs or information (46%); information about drinking or drug use (41%); bad-mouthing a previous company or fellow employee (36%); poor communication skills (32%); discriminatory comments related to race, gender, religion, etc. (28%); and was linked to criminal behavior (21%), among others.⁴¹

Employers also look for these types of posts when monitoring employees' on-the-clock and off-the-clock behaviors, and to inform disciplinary decisions.⁴² Employees have been fired or disciplined for comments ranging from insensitive and biased remarks⁴³, to complaints about bad tippers⁴⁴, to gripes about perceived pay disparities⁴⁵, and being bored at work⁴⁶, among other posts.

Some employers, like some schools, have asked applicants and employees for their social media usernames and passwords. Many states have also enacted legislation prohibiting employers from requesting this information (legislation is currently pending in NY).⁴⁷

In addition to questions regarding First and Fourth Amendment violations, employers' use of social media for the screening of applicants and the monitoring and discipline of employees raises numerous legal questions related to discrimination, privacy, and unfair labor practices under federal laws (e.g., Title VII of the Civil Rights Act of 1964, Stored Communications Act, National Labor Relations Act (NLRA)).⁴⁸ For example, users' social media pages often include information about protected characteristics (e.g., religion, race, sex, national origin) that employers are prohibited from considering in hiring decisions. As a result, if an employer uses social media to screen applicants, the applicant may have cause to bring a Title VII discrimination claim against the employer.⁴⁹ In disciplinary cases, courts have ruled that employers are permitted to access public social media posts,⁵⁰ and that employers were permitted to obtain social media content by gaining access via a coworker's account who is "friends" with the employee in question.⁵¹ However, employer access of social media content may be considered a violation of an employee's privacy interests if the employer gains access under false pretenses or by placing an employee under duress.⁵² The National Labor Relations Board has imposed limitations on employers' social media policies to ensure against infringing on an employee's rights under the NLRA.⁵³ Based on these rulings, employers may not discipline an employee for posting comments/complaints about the employer when they are made on behalf of other employees or made with the intent to induce or prepare for group action. However, complaints made solely by an individual employee are not protected, and therefore may result in disciplinary action.⁵⁴



first day at work. Omg!! So dull!!

facebook status update - February 2, 2009

i. It is an unfair labor practice "to interfere with, restrain, or coerce employees in the exercise of" their rights to self-organize, form, join, or assist labor organizations, bargain collectively, or engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection (29 U.S.C. § 158(a)(1)).

PROMOTING DIGITAL CITIZENSHIP

Youth, especially those who are crew-involved, frequently post content on social media that can put them at risk for violence and other crimes;ⁱⁱ moreover, these posts can be used against them by law enforcement, education officials, and employers, which can result in consequences that compound the obstacles they face in completing school and gaining employment. Criminal laws and enforcement, school disciplinary codes, employer policies, social media platform terms of use agreements, and court rulings do little to teach youth how to use social media responsibly and what content is and is not acceptable. They also fall short in preventing the spread of anti-social norms online. To prevent violence, legal consequences, school drop-out, and unemployment, stakeholders must work together to promote digital citizenship and to proactively respond to social media posts. A comprehensive response to risky social media content must include: *raising awareness among social media users and the general public, empowering bystanders and responsible adults, enhancing enforcement of social media platform policies, and incorporating social media into law enforcement prevention and intervention strategies.*

RAISE AWARENESS AMONG SOCIAL MEDIA USERS & THE GENERAL PUBLIC

To increase the public's understanding of responsible social media use, stakeholders should work together to implement a public awareness initiative (both online and in-person) with the goal of educating individuals about their role in protecting themselves and others from violence and other crimes, and the potential consequences for posting certain types of content. This effort should also seek to empower individuals to respond to potentially harmful content. Initiatives should be developed for various target audiences, including youth who post irresponsible content, the general youth population, family and community members, service providers, and employees, and applied in a range of settings (e.g., schools, community forums, anti-violence organizations, businesses, online webinars or videos). Suggested topics to address include:

- Consequences of posting certain types of content on social media (e.g., legal, educational, and professional consequences for posting threats and/or criminal activity, the range of charges/sentences that could result from posting criminal activity);
- How online content can lead to violence (e.g., the potential for retaliation from self-promoting and/or taunting posts, arguments);
- Ways to respond (e.g., how to deescalate conflicts occurring online, how to assess the seriousness of threats, who to report content to, tips for determining appropriate responses based on the users' strengths and relationship with the poster/target);
- Safe social media habits (e.g., how geotagging posts can lead to crimes such as retaliation and burglary); and
- Known criminal threats (e.g., robberies facilitated by social media).

In addition to public awareness initiatives, schools should incorporate curriculum that seeks to educate students on these topics and support skill building in the areas of conflict resolution, empathy, anger management, and self-control. Schools and businesses should also implement policies that seek to educate students and employees about responsible social media usage, and their own organization's expectations of use.

ii. See volume I of series "Social Media & Real-World Consequences: From Virtual to Violent - How Social Media Fuels Real-World Violence"

EMPOWER BYSTANDERS

We know that youth are witnessing harmful behaviors on social media, and that these behaviors are often ignored or reinforced by others.⁵⁵ In order to foster an environment of proactively responding and intervening, stakeholders must devise strategies to break the bystander effect online. The bystander effect is a phenomenon where the more people witnessing an altercation, the less likely any one person will take the initiative to respond.⁵⁶ This is attributed to a diffusion of responsibility, which means that when the individual is in a group, s/he believes that s/he is less responsible to respond than when s/he is alone and the only one available (and therefore responsible) to respond. On social media, diffusion of responsibility is often mixed with deindividuation (i.e., loss of self-awareness and individual accountability in a group) that may decrease the likelihood of responding to content. Research has found that in order for a bystander to respond to an emergency they must:

1. Notice that something is happening;
2. Interpret the event as being an emergency;
3. Feel responsible to respond to the emergency;
4. Develop a plan on how to assist; and
5. Implement that plan.⁵⁷

Because these steps operate in a sequential fashion (i.e., disruption during any of these steps prohibits the individual from continuing on to the next one), stakeholders must devise strategies that address each step to achieve empowering bystanders on social media.

Steps 1 & 2: Notice that Something is Happening & Interpret the Event as Being an Emergency

Social media users frequently view harmful content online, but may not be aware that these posts are problematic, or that they are an emergency that warrants a response. To ensure social media users notice content and interpret it correctly, stakeholders should educate users on the types of harmful communications and the different risk/emergency levels (high, medium, low) of content to aid them in determining what is and is not an emergency. This information will assist the bystander in weighing different types of information, such as the actual content, the user's involvement in past altercations, rumors, and the likelihood of the user following through with a threat. The risk levels for each type of content should be as clear as possible (to avoid confusion and promote efficiency), with more focus on the high-risk communications that may readily lead to a consequence. Having clear guidelines about what makes certain posts high-risk will ensure that these harmful posts are noticed and that users do not have the added burden of trying to sift through the ambiguity of posts to interpret them appropriately. Stakeholders should also promote monitoring of social media for the identified types of communications to ensure the content gets noticed.

Step 3: Feel Responsible to Respond to the Emergency

Researchers have identified three factors that influence the degree of responsibility to respond a bystander feels:

1. Whether they believe the victim is deserving of help (empathy);
2. Their competence in giving help (empowerment); and
3. The relationship between the bystander and the victim (closeness).⁵⁸

Users are typically “friends” with a range of individuals on social media from close friends and family members, to acquaintances and friends of friends, and even people they have never met before. Therefore, the relationship between the bystander and the victim is significantly variable in the online setting, like it can be in public settings. Moreover, deindividuation and the diffusion of responsibility associated with social media may exacerbate the bystander effect. To promote a higher degree of responsibility to respond, stakeholders should devise strategies that seek to promote feelings that victims are deserving of help and to ensure bystanders feel competent in their ability to provide assistance. Strategies that allow users to empathize with the social media community can increase feelings of closeness and responsibility. For example, taking the time to think about how content can affect others, how one may respond emotionally, and how this behavior affects the users’ online community can help to increase empathy for others. Promoting the norm of selectivity in who is added as a user’s “friend” online will also help to create a personal online community with those the user already feels close. In addition, users need to feel empowered to respond to harmful content. Teaching youth conflict mediation skills would allow them to feel competent in their ability to directly respond to irresponsible use. Outlining the multiple ways one can respond (e.g., flagging the post, reaching out and supporting others, telling trusted adults, calling the police) allows youth to feel empowered to take action in ways that are more comfortable for them. Activities that promote self-esteem concerning social interactions online will also increase feelings of competence that increase the likelihood that they will respond to harmful content.

Steps 4 & 5: Develop a Plan on How to Assist & Implement that Plan

Once a post is recognized as a potential threat, the next significant barrier to getting a bystander to respond is knowing how to provide assistance. Many social media users have been in a situation where they knew that what was being posted by another user was violence provoking, hurtful, and/or inappropriate (an emergency) (steps 1 & 2) and felt responsible to respond (step 3), but did not know how to report the content or intervene appropriately. Being knowledgeable about the multiple ways one can respond to posted content will increase the likelihood that the bystander will implement a specific action (step 5). Therefore, stakeholders can support the development and implementation of a response plan by educating users on concrete examples of actions that can be taken for each level of emergency. Providing a continuum of action steps will help bystanders think critically about the problem, and lead them to a tangible solution based on the content. Action steps should be coupled with guidelines that seek to ensure that bystanders do not place themselves or others in danger. Possible responses may include direct intervention with conflict resolution either online or offline, flagging the content for review by the social media platform, referring the content to a trusted adult, or reporting the content to law enforcement.

EMPOWER RESPONSIBLE ADULTS

Like bystanders who witness inappropriate content on social media, stakeholders must ensure that responsible adults are empowered and competent to respond. This is critically important given that social media platform reporting tools, such as Facebook’s “Social Reporting,” allow users to report content (e.g., harassment, bullying) to a “trusted friend.”⁵⁹ Therefore, stakeholders should seek to empower a wide range of responsible adults such as parents, school teachers, faith leaders, service providers, medical professionals, and law enforcement officers. These efforts should seek to aid responsible adults in assessing the content and developing and implementing responses, as well as ways to educate social media users about identifying and responding to social media posts, and how to talk to youth about safe social media habits.

ENHANCE ENFORCEMENT OF SOCIAL MEDIA PLATFORM POLICIES

Social media platform providers have struggled to balance protecting First Amendment rights and preventing/discouraging harmful behavior. Social media platforms such as Twitter, Instagram, and Facebook have terms of use policies to which users must agree in order to gain access to the sites. These policies describe prohibited behaviors (e.g., promoting violence, bullying and harassment, credible threats, hate speech, self-harming behavior) and how these community standards are enforced. For example, Facebook's policy states that the platform will remove content if it is seen as a violation of its community standards.⁶⁰ Users can therefore report content they find offensive and believe violates these terms, and Facebook's User Operation team will assess the post and decide on an appropriate response (e.g., reportee warned, disable reportee/feature-blocked).⁶¹

This approach to enforcement is reactionary and dependent on other users reporting the prohibited content to the platform provider. As a result, this can lead to prohibited content remaining on the site, particularly when group norms cause users to fail to view the content as inappropriate. This is a significant concern for those seeking to prevent violence among crew-involved youth who repeatedly post threats, videos of violent attacks, and other prohibited content.

Even if a post gets reported to the platform, reviewers hired by the platform may not be able to understand the context of the post (especially if they are not familiar with crew and gang code or slang terms). Failing to remove reported content can signal to the user and others that this type of communication is acceptable.

To enhance the enforcement of terms of use policies and to deter prohibited behavior, social media platform providers should:

- **Hire culturally competent reviewers who are capable of understanding the content of posts and associated risks;**
- **Develop strategies to proactively monitor for prohibited content;**
- **Implement responses that seek to both educate users about prohibited content and build users' skills (e.g., offering stress management tips or conflict resolution advice instead of just replying with a warning of possible consequences or removing content with no explanation); and**
- **Educate users about prohibited content by meeting them where they are (e.g., reminding users of prohibited content in their news feeds).**

EXPAND LAW ENFORCEMENT PREVENTION AND INTERVENTION STRATEGIES

With the growing intersection between crime and social media, law enforcement agencies must work to incorporate social media into their prevention and intervention strategies. Some ways law enforcement could incorporate social media into prevention and intervention strategies include:

- **Solicit Tips About Social Media Intelligence/Evidence** - In light of the growing number of offenders who post their criminal intentions and activities on social media, law enforcement agencies should develop strategies to collect tips from the community about intelligence and evidence on social media (e.g., 911/311 calls, direct report to police feature on social media platform), and create procedures to review social media evidence. The importance of these kinds of strategies was highlighted in the 2014 incident in Isla Vista, CA in which a 22-year-old posted videos on YouTube detailing his intentions to carry out a killing spree which Sheriff's deputies failed to review when they conducted a welfare check on the perpetrator just weeks before he killed six people and injured thirteen others.⁶² In the perpetrator's manifesto, he acknowledged that his plans would have been thwarted if the deputies had searched his home and found his weapons and writings.⁶³

- **Deploy Resources & Build Partnerships** - Law enforcement agencies can use the information collected to inform deployment decisions and to build partnerships with community-based organizations. For example, based on the severity of the threat, law enforcement could deploy a Violence Interrupter or Outreach Worker from a partnering organization to respond.
 - **E-Patrolling: Create a Visible Online Police Presence** - Law enforcement agencies should take the proven concepts of directed and visible patrols into cyber space. This can be done by creating a visible online police presence through “e-patrols” in which police officers are tasked with making contacts with the community, potential offenders, and known offenders over social media. Moving beyond using social media for investigative and intelligence gathering purposes, an e-patrolling strategy would employ a continuum of responses to prevent and deter illegal activities, from gang crimes to domestic violence, through highly visible, and at times direct, contact with users.
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CONCLUSION

Social media activity does not stay online; it spills into the real-world where it can have serious consequences for users' relationships, education, employment, mental health, and physical safety. This multidimensional problem needs equally diverse solutions. In order to reduce the risks associated with using social media, stakeholders need to come together and address the various intersecting issues that surround this behavior. As more people begin to build their online presence through social media, it is important that community-based organizations, schools, employers, law enforcement, social media platforms, and community members come together to address safety and promote digital citizenship.

VOLUME II ENDNOTES

1. Pew Research Center, *Online Harassment* (2014 October) available at http://www.pewinternet.org/files/2014/10/PI_OnlineHarassment_102214_pdf.pdf; Pew Research Center, *Teens, Kindness and Cruelty on Social Network Sites* (2011 November 09) available at <http://www.pewinternet.org/2011/11/09/teens-kindness-and-cruelty-on-social-network-sites/>
2. C. McLaughlin & J. Vitak, "Norm Evolution and Violation on Facebook," *New Media & Society* 10 (2011), 1-17.
3. N. Golgowski, "Kentucky Woman Shoots Half-Sister in Head after Facebook Argument on Who's the Worst Mom: Police," *New York Daily News* (2013 October 10) available at <http://www.nydailynews.com/news/national/woman-shoots-half-sister-head-facebook-argument-police-article-1.1481707>
4. S. Goldstein, "Chicago Girl, 14, Guns Down Rival in Facebook Dispute Over Boy: Police," *New York Daily News* (2014 April 29) available at <http://www.nydailynews.com/news/crime/chicago-girl-14-gunned-rival-14-facebook-dispute-boy-police-article-1.1773215#ixzz30r096cED>
5. L. Moran, "Memphis Teen Posts Gallery of Guns, Drugs, Cash hours Before Being Shot Dead by Friend as They Played with Weapons: Cops," *New York Daily News* (2014 February 28) available at <http://www.nydailynews.com/news/national/memphis-teen-posts-gallery-guns-drugs-cash-hours-shot-dead-friend-article-1.1704982>
6. M. Johanson, "How Burglars Use Facebook to Target Vacationing Homeowners," *International Business Times* (2013 July 11) available at <http://www.ibtimes.com/how-burglars-use-facebook-target-vacationing-homeowners-1341325>
7. National White Collar Crime Center, *Criminal Use of Social Media* (2011) available at <http://www.iacpsocialmedia.org/Portals/1/documents/External/NW3CArticle.pdf>
8. Police Executive Research Forum, *Social Media and Tactical Considerations for Law Enforcement* (Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services, 2013 May).
9. International Association of Chiefs of Police, *2013 Social Media Survey Results* (2014) available at <http://www.iacpsocialmedia.org/Portals/1/documents/2013SurveyResults.pdf>
10. New York County District Attorney's Office, "District Attorney Vance and Police Commissioner Kelly Announce Indictments of 63 Members of Three of Manhattan's Most Violent Gangs," *Press Release* (2013 April 04) available at <http://manhattanda.org/press-release/district-attorney-vance-and-police-commissioner-kelly-announce-indictments-63-members->
11. J. Mays, "East Harlem Violence Drops as Final Gang Members Plead Guilty," *DNAinfo*, (2014 April 24) available at <http://www.dnainfo.com/new-york/20140424/east-harlem/east-harlem-violence-drops-as-final-gang-members-plead-guilty>
12. Associated Press, "Last 2 Plead Guilty in 63-person NYC Gang Case," *Washington Times* (2014 April 24) available at <http://www.washingtontimes.com/news/2014/apr/24/last-2-plead-guilty-in-63-person-nyc-gang-case/>
13. *State of New Jersey v. H.L.M.* (Superior Court of New Jersey Appellate Division, May 13, 2014)
14. NY Correction Law §§ 168-a(16-18), 168-b(a)(10), 168-f(4); NY Penal Law § 65.10(4-a), 65.10(5-a); NY Executive Law § 259-c(15)
15. Police Executive Research Forum, *Social Media and Tactical Considerations for Law Enforcement* (Washington, DC: U.S. Department of Justice, Office of Community Oriented Policing Services, 2013 May).
16. E. Shumejda, "The Use of Rap Music Lyrics as Criminal Evidence," *New York State Bar Association Entertainment, Arts and Sports Law Journal* 25(3) (2014 Fall/Winter) available at <http://www.nysba.org/WorkArea/DownloadAsset.aspx?id=34137>
17. *United States v. Joshua Meregildo et al.*, 11 Cr. 576 (WHP) (August 10, 2012)
18. *In re 381 Search Warrants Directed to Facebook, Inc. and dated July 23, 2013* (Supreme Court Index No. 30207-13)
19. *Elonis v. United States*, 575 U.S. ___ (2015)
20. *Elonis v. United States*, 575 U.S. ___ (2015)
21. *Elonis v. United States*, 575 U.S. ___ (2015)
22. M. Ybarra, M.D. West, & P. Leaf, "Examining the Overlap in Internet Harassment and School Bullying: Implications for School Intervention," *Journal of Adolescent Health* 41 (2007), S42-S50.
23. M. Ybarra, M.D. West, & P. Leaf, "Examining the Overlap in Internet Harassment and School Bullying: Implications for School Intervention," *Journal of Adolescent Health* 41 (2007), S42-S50.
24. S. Sengupta, "Warily, Schools Watch Students on the Internet," *The New York Times* (2013 October 28) available at <http://www.nytimes.com/2013/10/29/technology/some-schools-extend-surveillance-of-students-beyond-campus.html>; D. Cho, "Maryland School District to Start Monitoring Students' Social Media Posts with New Software," *WJLA* (2014 August 06) available at <http://www.wjla.com/articles/2014/08/maryland-school-district-to-start-monitoring-students-social-media-posts-with-new-software-105814.html>

25. NYC Department of Education, *Citywide Standards of Intervention and Discipline Measures: The Discipline Code and Bill of Student Rights and Responsibilities, K-12* (2013 September) available at <http://schools.nyc.gov/NR/rdonlyres/188AF3E2-F12B-4754-8471-F2EFB344AE2B/O/DiscCodebooklet2013final.pdf>
26. NYC Department of Education, *Internet Acceptable Use and Safety Policy, Implementing Department Resolution of February 14, 2001* (2012 July 01) available at <http://schools.nyc.gov/RulesPolicies/InternetAcceptableUse/default.htm>
27. B. Fitch, "Student Expelled for Facebook Post," *The Emporia Gazette* (2012 March 19) available at http://www.emporiagazette.com/education/article_5e89d1a7-a0a9-5c7b-adc0-dcfe76d6b38b.html
28. C. Hoffberger, "24 Middle School Students Suspended for Facebook Posts about their Dress Code," *The Daily Dot* (2014 June 06) available at <http://www.dailydot.com/lifestyle/students-suspended-facebook-post-dress-code/>
29. T. Tagami, "Student: Principal Forced Deletion of Facebook Posts," *The Atlanta Journal-Constitution* (2011 March 04) available at <http://www.ajc.com/news/news/local/student-principal-forced-deletion-of-facebook-post/nQrBJ/>
30. *Wynar v. Douglas County School District*, No. 11-17127 (9th Circuit, August 29, 2013)
31. *Kowalski v. Berkeley County Schools*, 652 F.3d 565, 567 (4th Circuit, 2011)
32. Kaplan Test Prep, "Kaplan Test Prep Survey: More College Admissions Officers Checking Applicants' Digital Trails, But Most Students Unconcerned," *Press Release* (2013 October 31) available at <http://press.kaptest.com/press-releases/kaplan-test-prep-survey-more-college-admissions-officers-checking-applicants-digital-trails-but-most-students-unconcerned>
33. M. Kantrowitz, *Survey Concerning the Use of Web Search Sites and Social Media Sites for Evaluating Scholarship Applicants* (2012 February 24) available at <http://www.finaid.org/educators/20120224scholarshipsscreeningsurvey.pdf>
34. Kaplan Test Prep, "Kaplan Test Prep Survey: More College Admissions Officers Checking Applicants' Digital Trails, But Most Students Unconcerned," *Press Release* (2013 October 31) available at <http://press.kaptest.com/press-releases/kaplan-test-prep-survey-more-college-admissions-officers-checking-applicants-digital-trails-but-most-students-unconcerned>
35. M. Kantrowitz, *Survey Concerning the Use of Web Search Sites and Social Media Sites for Evaluating Scholarship Applicants* (2012 February 24) available at <http://www.finaid.org/educators/20120224scholarshipsscreeningsurvey.pdf>
36. National Conference of State Legislatures, *Access to Social Media Usernames and Passwords* (2015 March 18) available at <http://www.ncsl.org/research/telecommunications-and-information-technology/employer-access-to-social-media-passwords-2013.aspx>
37. Facebook, *Protecting Your Passwords and Your Privacy* (2012 March 23) available at https://www.facebook.com/note.php?note_id=326598317390057
38. E. Ambrose, "Want a Scholarship? Watch What You Post Online," *The Baltimore Sun* (2012 March 19) available at http://articles.baltimoresun.com/2012-03-19/business/bs-bz-ambrose-scholarships-20120319_1_central-scholarship-bureau-national-scholarship-providers-association-privacy-settings
39. M. Bologna, "Social Media Strategies in Recruiting, Hiring Pose Legal Risks for Employers," *Bloomberg BNA* (2014 April 21) available at <http://www.bna.com/social-media-strategies-n17179889714/>
40. CareerBuilder, "Number of Employers Passing on Applicants Due to Social Media Posts Continues to Rise, According to New Career Builder Survey," *Press Release* (2014 June 26) available at http://www.careerbuilder.com/share/aboutus/pressreleasesdetail.aspx?sd=6%2f26%2f2014&siteid=cbpr&sc_cmp1=cb_pr829_&id=pr829&ed=12%2f31%2f2014
41. CareerBuilder, "Number of Employers Passing on Applicants Due to Social Media Posts Continues to Rise, According to New Career Builder Survey," *Press Release* (2014 June 26) available at http://www.careerbuilder.com/share/aboutus/pressreleasesdetail.aspx?sd=6%2f26%2f2014&siteid=cbpr&sc_cmp1=cb_pr829_&id=pr829&ed=12%2f31%2f2014
42. J.W. Stoughton, L.F. Thompson, & A.W. Meade, "Big Five Personality Traits Reflected in Job Applicants' Social Media Postings," *Cyberpsychology, Behavior, and Social Networking* 16(11) (2013), 800-805.
43. WBTV Web Staff, "City Worker Fired Over Facebook Post Testifies," *WBTV* (2015 March 04) available at <http://www.wbvtv.com/story/28265886/city-worker-fired-over-facebook-post-testifies>
44. E. Frazier, "Facebook Post Costs Waitress Her Job," *The Charlotte Observer* (2010 May 17) available at <http://www.charlotteobserver.com/news/local/article9036602.html>
45. Daily Mail Reporter, "Bank Worker Fired for Facebook Post Comparing Her £7-an-hour Wage to Lloyds Boss's £4,000-an-hour Salary," *Daily Mail* (2011 April 06) available at <http://www.dailymail.co.uk/news/article-1373723/Bank-worker-Stephanie-Bon-fired-Facebook-post-Lloyds-boss-4k-hour-salary.html>
46. A. Levy, "Teenage Office Worker Sacked for Moaning on Facebook About Her 'Totally Boring' Job," *Daily Mail* (2009 February 26) available at <http://www.dailymail.co.uk/news/article-1155971/Teenage-office-worker-sacked-moaning-Facebook-totally-boring-job.html>
47. National Conference of State Legislatures, *Access to Social Media Usernames and Passwords* (2015 March 18) available at <http://www.ncsl.org/research/telecommunications-and-information-technology/employer-access-to-social-media-passwords-2013.aspx>

48. H.A. Morgan & F.A. Davis, *Social Media and Employment Law Summary of Key Cases and Legal Issues* (Los Angeles: Paul Hastings LLP, 2013 March) available at http://www.americanbar.org/content/dam/aba/events/labor_law/2013/04/aba_national_symposiumontechnologyinlaboremploymentlaw/10_socialmedia.authcheckdam.pdf
49. H.A. Morgan & F.A. Davis, *Social Media and Employment Law Summary of Key Cases and Legal Issues* (Los Angeles: Paul Hastings LLP, 2013 March) available at http://www.americanbar.org/content/dam/aba/events/labor_law/2013/04/aba_national_symposiumontechnologyinlaboremploymentlaw/10_socialmedia.authcheckdam.pdf (see *Gaskell v. Univ. of Kentucky*, No. CIV.A.09-244-KSF, 2010 WL 4867630 (E.D. Ky. Nov. 3, 2010))
50. *Sumien v. Careflite*, No. 02-12-00039-CV, 2012 Tex. App. LEXIS 5331 (July 5, 2012)
51. *Ehling v. Monmouth-Ocean Hosp. Service Corp.*, 872 F. Supp. 2d 369 (D.N.J., 2012)
52. *Pietrylo v. Hillstone Rest. Grp.*, No. CIV.06-5754(FSH), 2009 WL 3128420 (D.N.J., September 25, 2009)
53. H.A. Morgan & F.A. Davis, *Social Media and Employment Law Summary of Key Cases and Legal Issues* (Los Angeles: Paul Hastings LLP, 2013 March) available at http://www.americanbar.org/content/dam/aba/events/labor_law/2013/04/aba_national_symposiumontechnologyinlaboremploymentlaw/10_socialmedia.authcheckdam.pdf
54. H.A. Morgan & F.A. Davis, *Social Media and Employment Law Summary of Key Cases and Legal Issues* (Los Angeles: Paul Hastings LLP, 2013 March) available at http://www.americanbar.org/content/dam/aba/events/labor_law/2013/04/aba_national_symposiumontechnologyinlaboremploymentlaw/10_socialmedia.authcheckdam.pdf
55. Pew Research Center, *Online Harassment* (2014 October) available at http://www.pewinternet.org/files/2014/10/PI_OnlineHarassment_102214_pdf.pdf; Pew Research Center, *Teens, Kindness and Cruelty on Social Network Sites* (2011 November 9) available at <http://www.pewinternet.org/2011/11/09/teens-kindness-and-cruelty-on-social-network-sites/>
56. B. Latane & J.M. Darley, "Group Inhibition of Bystander Intervention in an Emergency," *Journal of Personality and Social and Social Psychology* 10 (1968), 215-221.
57. B. Latane & J.M. Darley, "Group Inhibition of Bystander Intervention in an Emergency," *Journal of Personality and Social and Social Psychology* 10 (1968), 215-221.
58. B. Latane & J.M. Darley, "Group Inhibition of Bystander Intervention in an Emergency," *Journal of Personality and Social and Social Psychology* 10 (1968), 215-221.
59. Facebook Safety, *Details on Social Reporting* (2011 March 10) available at https://www.facebook.com/note.php?note_id=196124227075034
60. Facebook, *Facebook Community Standards*, available at <https://www.facebook.com/communitystandards>
61. Facebook Safety, *What Happens After You Click "Report"* (2012 June 19) available at <https://www.facebook.com/notes/facebook-safety/what-happens-after-you-click-report/432670926753695>
62. K. Ryan, "New Details on 'Welfare Check' made on Isla Vista Killer Before Rampage," *KTLA* (2014 May 30) available at <http://ktla.com/2014/05/29/new-details-on-welfare-check-made-on-ista-vista-killer-before-rampage/>
63. H. Yan, S. Almsy, & S. Sidner, "California Mass Killer Thought Plan was Over during April Visit by Deputies," *CNN* (2014 May 27) available at <http://www.cnn.com/2014/05/25/justice/california-shooting-deaths/>

SOCIAL MEDIA POST SOURCES

- Executive Summary Example - Page i:
The People of the State of New York v. T. Abdur-Rahman, T. Allen, et al, Indictment @ 24, (Supreme Court of the State of New York, County of New York, 2014).
- Victimization Example - Page 1:
The Master Chief, "Teen Chicago Rapper Lil JoJo Shot & Killed, Chief Keef Laughs About It," *GossipOnThis.com* (2012 September 07)
available at <http://gossiponthis.com/2012/09/07/teen-chicago-rapper-lil-jojo-shot-killed-chief-keef-laughs-about-it/>
- Legal Example - Page 2:
Post: Facebook, Photo: Africa Studio via shutterstock
- Education Example - Page 3:
C. Hoffberger, "24 Middle School Students Suspended for Facebook Posts about their Dress Code," *The Daily Dot* (2014 June 06)
available at <http://www.dailydot.com/lifestyle/students-suspended-facebook-post-dress-code/>
- Professional Example - Page 4:
A. Levy, "Teenage Office Worker Sacked for Moaning on Facebook about Her 'Totally Boring' Job," *The Daily Mail* (2009 February 26)
available at <http://www.dailymail.co.uk/news/article-1155971/Teenage-office-worker-sacked-moaning-Facebook-totally-boring-job.html>



SOCIAL MEDIA & REAL-WORLD CONSEQUENCES

VOLUME II

RESPONDING TO SOCIAL MEDIA NORMS

DEVELOPING A COMPREHENSIVE STRATEGY TO PROMOTE DIGITAL CITIZENSHIP

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